

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 27 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 27 2005

The applicant **Randall Soule**, hereby makes application for permission to change the **Place of Use and Point of Diversion of a Portion** of water heretofore appropriated under **Claim No. 719 of the Truckee River (aka Orr Ditch Decree) Decree**, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "**the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants**" in Equity Docket No. A-3

1. The source of water is **Thomas Creek**
2. The amount of water to be changed **5.00 AFA/ prorata share of the diversion rate**
3. The water to be used for **As Decreed Purposes**
4. The water heretofore permitted for **As Decreed Purposes**
5. The water is to be diverted at the following point w/in NW¼ NE¼ Section 24, T18N, R19E, MDM or at a point from which the S¼ of said Section 24, bears S 01° 53' 03" W, a distance of **4,498.29 feet**.
6. The existing permitted point of diversion is located within **as Decreed – within SE¼ SW¼ Section 7, T18N, R19E, MDM**
7. Proposed place of use **9.19 acres within a portion of the NW¼ NE¼ Section 24, T18N, R19E, MDM, also known as Washoe County APN 049-165-02, 03 & 04. Refer to supporting map.**
8. Existing place of use **1.333 acres within the SW¼ NW¼ of Section 8, T18N, R20E, MDM also known as a portion of APN 22-290-30 in Washoe County. Refer to supporting Map filed under Permit No. 71383.**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Water will be pumped from Thomas Creek and piped to place of use.**
12. Estimated cost of works **\$5,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks:

By s/ **Michael D. Buschelman**
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared aem/sam mt/ bk

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Thomas Creek as heretofore granted under Claim 719, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter and valve that can be locked must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 0.89 acres within the described place of use and not to exceed an annual duty of 3.75 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

The issuance of this permit fully abrogates 5.0 acre feet per season associated with the 1.333 acres under Truckee River Claim 719 as described in the existing place of use.

The issuance of this permit is for the consumptive use portion only, being 2.5 acre-feet per acre of the base right. The remaining portion of the base right will remain in the creek for use by other decreed right holders.

A monthly report shall be submitted to the Federal Water Master within 10 days from the end of each month which shall include the amount of water diverted and the amount of water used.

This permit is subject to continuing jurisdiction and regulation by the Federal Water Master.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.033 cubic feet per second, but not to exceed 3.33 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 30, 2008

Proof of completion of work shall be filed on or before:

April 30, 2008

Water must be placed to beneficial use on or before:

March 30, 2011

Proof of the application of water to beneficial use shall be filed on or before:

April 30, 2011

Map in support of proof of beneficial use shall be filed on or before:

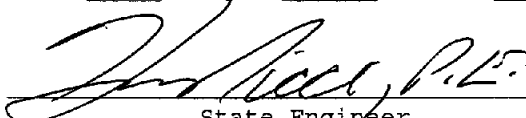
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 30th day of March, A.D. 2006



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____